

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

BANQUE LOMBARD ODIER & CIE SA,

Defendant.

Adv. Pro. No. 12-01693 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendant Banque Lombard Odier & Cie SA (“**Lombard**”) through their respective counsel.

RECITALS

A. On January 28, 2022, Lombard filed its *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01693 (CGM) [ECF No. 89].

B. On June 30, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant's Motion to Dismiss* [ECF No. 115].

C. On July 13, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Lombard Odier & Cie SA's Motion to Dismiss the Complaint* [ECF No. 116] (the “**July 13, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the July 13, 2022 Order is 14 days after entry of the order, *i.e.*, on July 27, 2022.

E. Lombard seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party's motion that is filed within the time prescribed by Rule 8002, *i.e.*, by July 27, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to August 17, 2022.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to Lombard's request to extend its time to appeal to August 17, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Lombard for extension of time for filing (a) a notice of appeal of the July 13, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including August 17, 2022 (the “**Extended Filing Deadline**”).

2. The Trustee consents to Lombard’s motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Lombard wishes to appeal the July 13, 2022 Order, Lombard shall make the Required Filings by the Extended Filing Deadline.

Dated: July 14, 2022
New York, New York

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IT IS SO ORDERED

**Dated: July 15, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**